REMARKS

Claims 1-43 are currently pending in the subject application and are presently under consideration. Claims 1, 3-5, 7, 9, 14, 38 and 41 have been amended as shown on pp. 2-8 of the Reply. In addition, claim 44 has been newly added. Applicants' representative thanks Examiner Patel for the courtesies extended during the telephone interview conducted on June 12, 2008. The distinctions between the cited references and the claims were discussed. However, no agreement was reached. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-20, 40 and 41 Under 35 U.S.C. §101

Claims 1-20, 40 and 41 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claims 1 and 41 have been amended herein to recite a useful, concrete and tangible result. In light of the amendments, it is respectfully requested that this rejection be withdrawn.

II. Rejection of Claims 1-20, 40, 41 and 43Under 35 U.S.C. §102(e)

Claims 1-20, 40, 41 and 43 stand rejected under 35 U.S.C. §102(e) as being anticipated by McCollum *et al.* (U.S. 7,103,874). It is respectfully requested that this rejection be withdrawn for at least the following reasons. McCollum *et al.* does not disclose, teach or suggest each and every limitation of the subject claims.

> A single prior art reference anticipates a patent claim only if it ***expressly or inherently describes each and every limitation set forth in the patent claim***. *Trintec Industries, Inc. v. Top-U.S.A. Corp.,* 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The ***identical invention must be shown in as complete detail as is contained in the ... claim***. *Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicants' claimed invention relates to network administration and control. In particular, the claimed subject matter relates to providing health monitor management and control for networked systems. To this end, independent claim 1 (and similarly independent

claim 38) recites *a system that facilitates health monitoring of a networked system, comprising at least one processor coupled to memory that executes* ***a data gather component that obtains system information from at least one computing device, the data gather component aggregates the obtained system information based at least in part on aggregation parameters, the system information includes at least one of system health data, system usage data or system performance data****, a control component that provides automatic control of the at least one computing device based at least in part on the aggregated system information, the automatic control includes at least one of default control responses or programmed control responses, the control component utilizes control parameters that specify control responses based upon the aggregated information and a user interface that presents reports that include the aggregated information in accordance with report parameters, the user interface further enables modification of the aggregation parameters, the control parameters or the report parameters.* McCollum *et al.* does not disclose, teach or suggest such aspects.

McCollum *et al.* relates to model based management architecture. A developer can described an application or service in a model in terms of its constituent components. The developer can further describe desired states of application execution in terms of functionality, configuration, security and performance. (*See* col. 4, ll. 36-43). A computer system can employ the model to install the application and service the application through management actions included in the model. The application associated with a model can be monitored to detect problems. While McCollum *et al.* discloses mechanisms that monitor an application based upon a model, the cited reference does not disclose obtaining system information from a computing device and aggregating the system information based upon aggregation parameters as recited in the subject claims. Rather, McCollum *et al.* relates to detecting when an application falls out of a desired state specified in a model and taking corrective actions.

In view of at least the foregoing, it is readily apparent that McCollum *et al.*, neither discloses, teaches nor suggests, each and every limitation recited in independent claims 1 and 38 (and associated dependent claims). Accordingly, it is respectfully submitted that McCollum *et al.* does not anticipate the applicant's claimed invention and, therefore, it is requested that this rejection be withdrawn.

III. Rejection of Claims 1-20, 40, 41 and 43Under 35 U.S.C. §102(e)

Claims 1-20, 40, 41 and 43 stand rejected under 35 U.S.C. §102(e) as being anticipated by Ginter *et al.* (U.S. 2005/0015624). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Ginter *et al.* does not disclose, teach or suggest each and every limitation of the subject claims.

Independent claim 1 (and similarly independent claim 38) recites *a system that facilitates health monitoring of a networked system, comprising at least one processor coupled to memory that executes a data gather component that obtains system information from at least one computing device, the data gather component aggregates the obtained system information based at least in part on aggregation parameters, the system information includes at least one of system health data, system usage data or system performance data,* ***a control component that provides automatic control of the at least one computing device based at least in part on the aggregated system information, the automatic control includes at least one of default control responses or programmed control responses, the control component utilizes control parameters that specify control responses based upon the aggregated information*** *and a user interface that presents reports that include the aggregated information in accordance with report parameters, the user interface further enables modification of the aggregation parameters, the control parameters or the report parameters*. Ginter *et al.* does not disclose, teach or suggest such aspects.

Ginter *et al.* relates to monitoring the performance, security and health of an industrial control system. A plurality of agents are employed to capture data from individual components (e.g., sensors, I/O devices, etc.) and forward the captured data to a watch server. The watch server can determine if any captured data exceeds thresholds that indicate potential threats. The watch server issues an alarm if a threshold is exceeded. Thus, Ginter *et al.* relates to monitoring an industrial control environment and issuing alarms when threat conditions are observed. However, Ginter *et al.* does not disclose a control component that provides automatic control of a computing device based upon aggregated system information. Ginter *et al.* issues an alarm and does not disclose providing automatic control responses in view of the monitored data.

In view of at least the foregoing, it is readily apparent that Ginter *et al.*, neither discloses, teaches nor suggests, each and every limitation recited in independent claims 1 and 38 (and associated dependent claims). Accordingly, it is respectfully submitted that Ginter *et al.* does not

anticipate the applicant's claimed invention and, therefore, it is requested that this rejection be withdrawn.

IV. Rejection of Claims 1-20, 40, 41 and 43Under 35 U.S.C. §102(e)

Claims 1-20, 40, 41 and 43 stand rejected under 35 U.S.C. §102(e) as being anticipated by Richter *et al.* (U.S. 2003/0046396). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Richter *et al.* does not disclose, teach or suggest each and every limitation of the subject claims.

Independent claim 1 (and similarly independent claim 38) recites *a system that facilitates health monitoring of a networked system, comprising at least one processor coupled to memory that executes a data gather component that obtains system information from at least one computing device, the data gather component aggregates the obtained system information based at least in part on aggregation parameters, the system information includes at least one of system health data, system usage data or system performance data,* ***a control component that provides automatic control of the at least one computing device based at least in part on the aggregated system information, the automatic control includes at least one of default control responses or programmed control responses, the control component utilizes control parameters that specify control responses based upon the aggregated information*** *and a user interface that presents reports that include the aggregated information in accordance with report parameters, the user interface further enables modification of the aggregation parameters, the control parameters or the report parameters*. Richter *et al.* does not disclose, teach or suggest such aspects.

Richter *et al.* relates to delivering content to computer-based networks that employ functional multi-processing using a staged pipeline content delivery environment to optimize bandwidth utilization and accelerate content delivery. (*See* paragraph 71). Richter *et al.* discloses a hardware and network configuration for a content delivery system. However, Richter *et al.* nowhere discloses a data gather component that obtains and aggregates system information. Moreover, the cited reference does not disclose automatic control based in part on the aggregated information. Accordingly, Richter *et al.* fails to disclose, teach or suggest each and every limitation of the subject claims.

In view of at least the foregoing, it is readily apparent that Richter *et al.*, neither discloses, teaches nor suggests, each and every limitation recited in independent claims 1 and 38 (and associated dependent claims). Accordingly, it is respectfully submitted that Richter *et al.* does not anticipate the applicant's claimed invention and, therefore, it is requested that this rejection be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP503US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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